

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

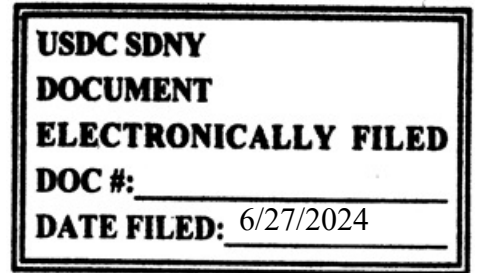
TRUSTEES OF THE NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS
PENSION FUND, WELFARE FUND,
ANNUITY FUND, AND APPRENTICESHIP,
JOURNEYMAN RETRAINING,
EDUCATIONAL AND INDUSTRY FUND, et
al.,

Petitioners,

-against-

AL HOT, INC., a/k/a AL HOT
CONSTRUCTION, INC., d/b/a FAST TRACK
CONSTRUCTION, a/k/a FAST TRACK
CONSTRUCTION SYSTEMS, INC.,

Respondent.



24-CV-01236 (MMG)

MEMORANDUM OPINION
AND JUDGMENT

MARGARET M. GARNETT, United States District Judge:

On February 20, 2024, Petitioners filed a Petition to Confirm Arbitration Award (the “Petition”) to confirm the August 22, 2023 arbitration award (the “Award”). Dkt. No. 1. On February 23, 2024, Petitioners served the Petition upon Respondent. *See* Dkt. No. 9. On February 26, 2024, the Court ordered Petitioners to file and serve any additional materials with which they intended to support their Petition by March 18, 2024. Dkt. No. 7. On February 27, 2024, Petitioners filed the Declaration of Maura Moosnick, Esq. and Exhibit O in further support of the Petition. Dkt. No. 8. On March 4, 2024, Petitioners served the Declaration of Maura Moosnick, Esq., Exhibit O, and the Court’s February 26 Order upon Respondent. *See* Dkt. No. 10. To date, Respondent has neither appeared in this action, nor responded to the Petition, nor otherwise sought relief from the Award.

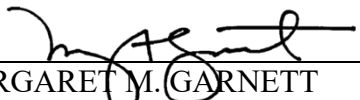
The Court must treat the Petition, even though unopposed, “as akin to a motion for summary judgment based on the movant’s submissions.” *Trs. for Mason Tenders Dist. Council Welfare Fund, Pension Fund, Annuity Fund & Training Program Fund v. Capstone Constr. Corp.*, 11-CV-1715 (JMF), 2013 WL 1703578, at *2 (S.D.N.Y. Apr. 19, 2013) (discussing in depth the legal standards for resolving unopposed petitions to confirm arbitration awards). After reviewing the Petition and the supporting materials, the Court finds that there is no genuine issue of material fact precluding summary judgment as to all portions of the Award, as the Arbitrator’s decision provides more than “a barely colorable justification for the outcome reached.” *Id.* at *3 (internal quotation marks omitted). Nor is there any justification under Section 10(a) of the Federal Arbitration Act for vacating the Award.

Accordingly, IT IS ORDERED AND ADJUDGED that the Petition is GRANTED, the Award is CONFIRMED, and judgment is entered in favor of Petitioners and against Respondent as follows:

1. Confirming the Award in all respects;
2. Petitioners shall have judgment against Respondent in the amount of **\$182,568.22**, plus post-judgment interest, which includes the following:
 - a. The amount of the Award, **\$169,632.15**;
 - b. Interest from August 22, 2023, the date of the Award, to the entry of judgment, at an annual rate of 6.75%, in the sum of **\$9,756.07**;
 - c. Attorneys' fees in the sum of **\$3,100**;
 - d. Service fees and other costs in the sum of **\$80.00**; and
 - e. Post-judgment interest at the statutory rate of 9.0% per annum, pursuant to CPLR §§ 5003 and 5004.

Dated: June 27, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge